

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 201910147	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/31/2019 7:30 PM	Location of Incident: Transit District 32 stationhouse	Precinct: 71	18 Mo. SOL 4/30/2021	EO SOL 12/15/2021	
Date/Time CV Reported Thu, 11/07/2019 3:52 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 11/07/2019 3:52 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Witness(es)</b>	<b>Home Address</b>				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. LT Richard Modestil	00000	928796	TB DT32		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.LT Richard Modestil	Abuse: Lieutenant Richard Modestil did not process § 87(2)(b) s complaint regarding officers.				

## Case Summary

§ 87(2)(b) filed this complaint in-person at the CCRB on November 7, 2019.

§ 87(2)(g), § 87(2)(b)

On October 31, 2019, at approximately 7:30 p.m., § 87(2)(b) and her friend, § 87(2)(b) entered the Transit District 32 stationhouse to file a complaint regarding officers she had an interaction with earlier that day. § 87(2)(b) approached the desk and told the desk officer that she wanted to file a complaint against officers. The officer allegedly told § 87(2)(b) that he could not help her and did not take her complaint (**Allegation A: Abuse of Authority**, § 87(2)(g)).

There were no summonses issued or arrests made as a result of this incident.

The investigation did not obtain video footage regarding this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Lieutenant Richard Modestil did not process § 87(2)(b)'s complaint regarding officers.**

§ 87(2)(b) stated (BR01) that she and her friend, § 87(2)(b) walked to the Transit District 32 stationhouse, which is a few blocks north of Jackie Robinson Playground. § 87(2)(b) told the officer behind the desk that she wanted to file a complaint against officers. The officer allegedly told § 87(2)(b) that he could not help her. § 87(2)(b) told the officer that she had the one of the officers' shield numbers. The officer told § 87(2)(b) that it was not enough to file a complaint. § 87(2)(b) left the stationhouse to go file the complaint at the 71<sup>st</sup> Precinct. § 87(2)(b) described the officer as a brown-skinned male, with a large build, a low haircut, and a mustache, who was wearing a uniform with a white shirt. She added that his name possibly started with an "M."

§ 87(2)(b) provided a statement on December 10, 2020 and stated that he did not recall many specifics of the incident. For the most part, he provided a statement consistent with that of § 87(2)(b) except for the following statements (BR02). § 87(2)(b) did not recall exactly what the desk officer said but suggested that she could file her complaint online or elsewhere. § 87(2)(b) described the desk officer as a white male, with a dark, low haircut, a mustache, a heavy build, wearing a navy-blue uniform.

Both § 87(2)(b) and § 87(2)(b) (BR01, BR02) described the subject officer as a male with a heavy build and a mustache, who was working behind the desk; however, there is a discrepancy among their description of the subject officer's race and the color of the shirt of his uniform.

The Transit Bureau District 32 (TD32) Command Log (BR03) from October 31, 2019 reveals that Lieutenant Richard Modestil was assigned as the desk officer at 3 p.m. and it does not note any other officer replacing him before the incident time of 7:30 p.m. The Tour 3 Roll Call for TD32 (BR04) states that the only other officer on duty that would have been wearing a white shirt during the time of the incident was Captain Tracy Mulet, who is a female officer. In addition, the roll call also lists PO Taina Pacheco as the telephone switchboard operator, who is the only other officer that would have been assigned to an assignment within the vicinity of the desk officer but is also a female officer.

Lt. Modestil is a black male that weighs 195 pounds, as per his pedigree sheet (BR05), thus fitting § 87(2)(b)'s description, given that he is a Lieutenant and wears a white shirt with his uniform. In his statement to the CCRB (BR06), Lt. Modestil stated that he did not recall having any interaction with § 87(2)(b) nor any other civilian, regarding filing a complaint about police officers. He added that the only time he left the desk was for his meal at 9:00 pm.

In a mediation attempt of this case on § 87(2)(b) both Lt. Modestil and § 87(2)(b) appeared and stated that they did not recognize each other. Furthermore, § 87(2)(b) confirmed that Lt. Modestil was not the subject officer in her complaint.

§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in 6 of allegations (BR07):
  - § 87(2)(b)
- Lt. Modestil has been a member of service for 19 and has been a subject in one CCRB complaint and one allegation, none of which were substantiated. § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- Mediation was attempted in this case, but both Lt. Modestil and § 87(2)(b) did not recognize each other and denied ever interacting in the past.
- On December 16, 2020, the Office of the New York City Comptroller confirmed that § 87(2)(b) did not file a notice of claim regarding this incident (BR09).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 11

Investigator:



Signature

Inv. Jessica Russo

Print Title & Name

12/10/20

Date

Squad Leader: Edwin Pena

Signature

IM Edwin Pena

Print Title & Name

12/14/20

Date

Reviewer:

Signature

Print Title & Name

Date

